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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/433,135	11/03/1999	JOHN G. SAVAGE	8243.00	2108

7590

04/10/2003

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EXAMINER

COSIMANO, EDWARD R

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/433,135

Applicant(s)

SAVAGE ET AL.

Examiner

Edward R. Cosimano

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☒ Claim(s) 22-24, 29, 30, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 25-28 and 31-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 July 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Applicant should note the changes to patent practice and procedure:
 - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997; and
 - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000.
2. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

 - (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- 3.1 Claims 22-24, 30 & 34 are rejected under 35 U.S.C. § 102(a) as being clearly anticipated by Cline et al (5,704,009).
- 3.1.1 In regard to claims 22-24, 30 & 34, Cline et al ('009) discloses a voice control of a system in which any user may control the operation of an ATM using only spoken commands from the user. To this end, Cline et al ('009) discloses transmitting voice identification data from the user to a speech recognition system in the ATM. The speech recognition system in the ATM can then understand the spoken/verbal command of the user and control the operation of the ATM based on the recognized commands and dispense bank notes to the user if so commanded.
- 3.1.4 It is noted that since the transmitted information is used to recognize the user's speech, the identity of the user would be verified simply by whether or not the user's voice can be recognized.

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4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4.1 Claims 29 & 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cline et al (5,704,009) as applied above to claims 22-24, 30 & 34 and further in view of common practice.

4.1.1 In regard to claims 29 & 35, Cline et al ('009) does not disclose using an card to identify the user, however in the environment of ATMs, it is common practice to use an ATM card and user pin number to verify the user and the user's account. In view of this common practice, it would have been obvious to one of ordinary skill at the time the invention was made that the ATM of Cline ('009) would include the use of a ATM card when verifying the identity of the user.

5. The following is an Examiner's Statement of Reasons for Allowance:

A) the prior art discloses for example;

(1) either Fukatsu (GB 21133392 or 4,593,183) or Do et al (6,061,666), which disclose a transaction machine, such as an automated teller machine (ATM), that provides audible operating instructions in natural speech/voice/language to authorized operators of the transaction machine in the natural language/speech/voice selected by the operator; or

(2) Johnstone et al (4,462,080), which discloses in 1984 the desirability of using audible speech to provide operating instructions to an operator of a machine and to receive commands for operating the machine from the operator; or

(3) Bennett (5,878,395), which discloses the desirability of providing hand free operation of a device by using visual and using audible speech to provide operating instructions to an operator while accepting either manual or audible commands from the operating of the device.

B) however, in regard to claims 1 & 6 the prior art does not teach or suggest providing audible operating instructions in natural speech/voice/language to an operator while accepting both manual input and natural speech/voice/language commands/instructions from the operator in order to control a dispensing operation. Claims 2-5 & 7-10 are allowable for the same reason.

C) however, in regard to claims 11 & 17 the prior art does not teach or suggest providing audible operating instructions in natural speech/voice/language to an operator while accepting only natural speech/voice/language commands/instructions from the operator in order to control a dispensing operation. Claims 12-16 & 18-21 are allowable for the same reason.

D) however, in regard to claim 28, the prior art does not teach or suggest determining the location of the user and directed a microphone to the detected location of the user.

E) however, in regard to claims 25 & 31 the prior art does not teach or suggest providing audible operating instructions in natural speech/voice/language to an operator while accepting only natural speech/voice/language commands/instructions from the operator in order to control a dispensing operation. Claims 26, 27, 32 & 33 are allowable for the same reason.

6. The examiner has cited prior art of interest, for example:

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A) Holzman et al (6,347,299), which discloses allowing the user to control the operation of an device by designating a information field and then entering information into a database through the spoken words/commands of the user

7. Response to applicant's arguments.

7.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

8. Claims 25-28 & 31-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

9.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

9.2 The fax phone number for OFFICIAL FAXES is (703) 305-7687.

9.3 The fax phone number for AFTER FINAL FAXES is (703) 308-3691.

04/04/03



Edward R. Cosimano
Primary Examiner A.U. 3629